



# Compliance News

## Administrative Letter for Marketing Order Administration Branch Compliance Programs

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### Greetings & News

Welcome to the second edition of Compliance News for fiscal year 2003. This edition will cover compliance activities from May through September 2003.

Thank you for taking the time to read *Compliance News* and we look forward to working with you on all Marketing Order related compliance issues.

We are delighted to welcome the Marketing Order Administration Branch's

(MOAB) new Assistant Chief Mike Durando. Mr. Durando has extensive experience in the fruit and vegetable industry having served as president of the New York Apple and Cherry Growers Associations and the California Grape and Tree Fruit League.

Please join us in welcoming Mike Durando to the Marketing Order Administration Branch!

*(See last page for updated MOAB Organizational Chart)*

In May, Barbara Schulke and Rick Lower attended the annual meeting of the Association of Fruit and Vegetables Inspection and Standardization (AFVISA) to give a presentation on the 8e automated system and how the system would accept inspection data. Because most states are not collecting inspection data electronically, AFVISA suggested that we work with their Liaison Committee as we launch the 8e system.

#### Customer Service Survey

Marketing order committees will find a Customer Service Survey attached to this administrative letter. In our continuing efforts to improve our services, we are soliciting committees' response and input. Let us know how we're doing!

Please take a few minutes to complete the survey and mail it back to us with the attached, self-addressed envelope. Thank you in advance for your time and participation.

#### Synopsis of Compliance Team Activity

During this period the Compliance Team resolved and closed eleven Marketing Order cases, collected a \$20,000 civil penalty for a marketing order violation, and approved seven compliance plans. One case was referred to the Office of General Counsel for administrative adjudication proceedings.

#### Newsletter on the Web

Our Compliance Administrative Newsletter may be accessed on the web at: <http://www.ams.usda.gov/fv/8e>Welcome.html>. For now we will continue to mail hard copies of the newsletter to our mailing list recipients. In the future, however, the letter will be accessible only via the website.

We strive to continue our goal to improve communication between the Compliance Team and industry through

information sharing, listening and providing quality customer service. Also, if you do not have access to our website, please let us know. If you have any questions, comments, or suggestions for future editions of *Compliance News*, please e-mail me at [Barbara.Schulke@usda.gov](mailto:Barbara.Schulke@usda.gov)

- Barbara Schulke,  
Compliance Program Manager

## Marketing Order Compliance

### Program Reviews

Since our last newsletter in March, we conducted two program reviews:

958	ID/OR Onions
989	CA Raisins

We plan to conduct reviews of the following programs between now and May 1, 2004:

945	ID/OR Potato
930	Tart Cherries
984	Walnuts
996	Peanuts

### Reminder:



All compliance plans must be updated and approved by the Department annually.

If your plan has been reviewed and returned with recommendations, please submit the revised plan to the appropriate Marketing Field Office. They will forward the plan to the Compliance Team. Please do not submit a copy of

the previous year's compliance plan without review.

## Section 8e Compliance

### *Fines and Penalties*

Trinity Fruit Sales, Bari Imports, and Tramed Foods paid reduced civil penalties for violating Section 8e. Stipulation agreements provide AMS with an additional tool to obtain resolution of certain cases without the cost of going to a hearing.

### *8e Port Visits*

In our continuing efforts to inform importers/brokers, and Customs personnel of the AMS inspection requirements for Section 8e commodities, we visited the Miami, Florida port of entry on October 9, 2003.

### *Spot Check for Canadian Potatoes*

Random spot checks of Canadian potatoes entering through ports of entry in the northeastern United States for the 2002-2003 shipping season have been completed. The total number of inspections performed this year at Houlton, Maine was 398. Only two of those shipments failed to comply with 8e requirements.

### *Suspension of Requirements for California Dried Prune Marketing Order*

Effective August 1, 2003, the California Dried Prune Marketing Order outgoing inspection and quality requirements and the prune import regulation is suspended

During the 3-year period, the industry will have the opportunity to consider developing and implementing more effective finished product grade standards through amendments to the order. It should be noted that if the Prune Marketing Committee determines that these suspensions are having an unfavorable impact on the industry, it could meet and recommend rescinding the suspension.

### *Removal of Seeded Grapefruit Grown in Florida Import Regulation*

Effective September 10, 2003, the Agricultural Marketing Service has removed the marketing order (Order) quality requirements for seeded grapefruit under the Florida citrus marketing order and for seeded grapefruit imported into the United States.

Production of seeded grapefruit in Florida has declined to the point that removing seeded grapefruit from Order requirements will have no significant impact on the grapefruit market.

Please be aware that this action will have no effect on the import requirements for oranges.

Orange import requirements are based on the marketing order for South Texas oranges and as such are not affected by this action.

### *Prior Notice of Imported Food Under the Bioterrorism Act*

The Bioterrorism Act requires the FDA to issue regulations for

prior notification of any food items imported into the United States. This requirement could have significant implications for some of our responsibilities regarding imported 8e items. Extensive information from the importers such as manufacturer, shipper, grower (if known), country of origin, and anticipated port of entry is required by Section 307 of the Act. If the regulations are not in effect by December 12, 2003, the Act requires importers to provide notification no less than eight hours or more than 5 days prior to shipment. Section 307 of the Act requires

#### *8e Import Data Summaries*

The remainder of this newsletter summarizes 8e import data, which is reported for the time period January through December 2003. The data for this analysis comes from two different sources. The first source, MOAB's compliance database, provides data for the country of origin and port of entry percentages. The second source is total metric ton volume and monthly volume figures from Census supplied to the Service.

This issue of *Compliance News* was written by the members of the Marketing Order Compliance Team.

MOAB Compliance Team  
1400 Independence Ave., SW  
Room 2525-S, Stop Mail 0237  
Washington, DC 20090-5456  
Phone 202-690-0464 Fax 202-720-5698  
[www.ams.usda.gov/fv/moab.html](http://www.ams.usda.gov/fv/moab.html)

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**Avocados****Port of Entry**

	2002 (JAN-JUN)	2003 (JAN-JUN)
LOS ANGELES, CA	16.3%	23.6%
#REF!	15.8%	20.7%
NEWARK, NJ	27.8%	18.6%
CHICAGO, IL	13.1%	15.9%
	73.0%	78.8%

**Country of Origin**

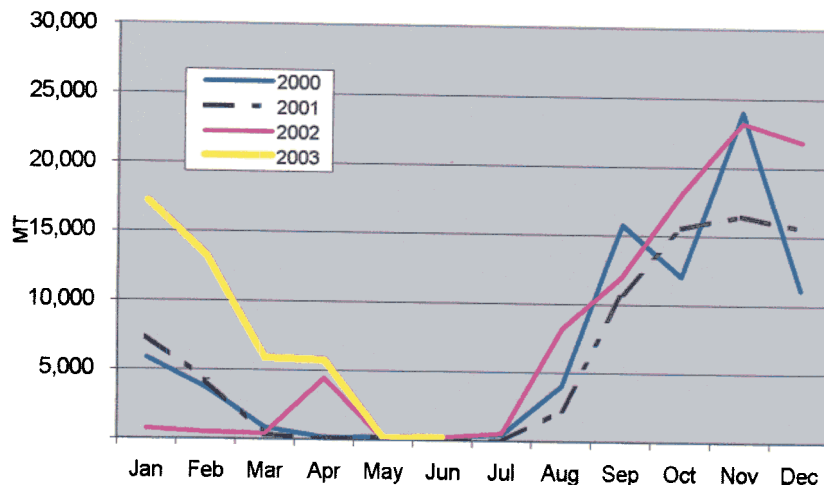
	2002 (JAN-JUN)	2003 (JAN-JUN)
CHILE	50.5%	69.7%
MEXICO	34.4%	18.8%
DOMINICAN REPUBLIC	14.6%	10.8%
	99.5%	99.4%

**Total Imported**

Metric Tons	6,387	42,599
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**Marketing Order Period**

By Variety

**Dates****Port of Entry**

	2002 (JAN-JUN)	2003 (JAN-JUN)
MINNEAPOLIS-ST. PAUL, MN	45.3%	65.0%
NEWARK, NJ	27.5%	12.1%
LOS ANGELES, CA	20.1%	9.3%
NEW YORK, NY	3.1%	6.1%
	96.0%	92.6%

**Country of Origin**

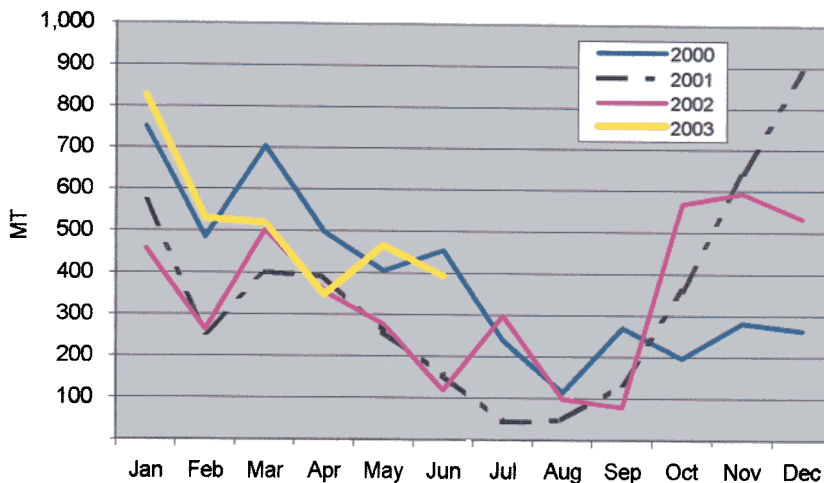
	2002 (JAN-JUN)	2003 (JAN-JUN)
PAKISTAN	52.7%	73.8%
IRAN	34.2%	10.5%
CHINA	7.7%	9.9%
	94.7%	94.2%

**Total Imported**

Metric Tons	,976	3,087
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**Marketing Order Period**

All Year

**Grapefruit****Port of Entry**

	2002 (JAN-JUN)	2003 (JAN-JUN)
FORT PIERCE, FL	99.8%	99.5%
HIDALGO, TX	0.0%	0.3%
BLAINE, WA	0.0%	0.0%
	0.0%	0.0%
	99.8%	99.8%

**Country of Origin**

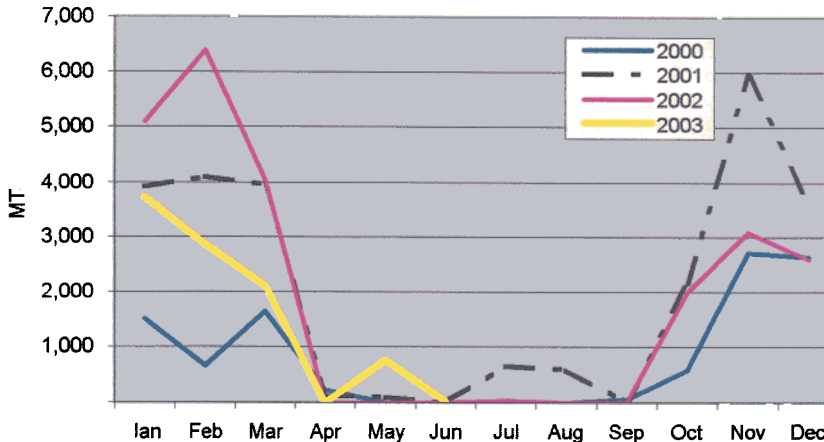
	2002 (JAN-JUN)	2003 (JAN-JUN)
BAHAMAS	99.8%	99.5%
MEXICO	0.1%	0.3%
CANADA	0.0%	0.1%
	99.9%	99.9%

**Total Imported**

Metric Tons	15,540	9,509
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**Marketing Order Period**

All Year





**Hazelnuts/Filberts****Port of Entry**

	2002 (JAN-JUN)	2003 (JAN-JUN)
NEWARK, NJ	32.7%	55.9%
NEWPORT NEWS, VA	18.5%	17.3%
NEW YORK, NY	36.2%	12.8%
COLUMBIA SNAKE, OR	2.3%	5.5%

**Country of Origin**

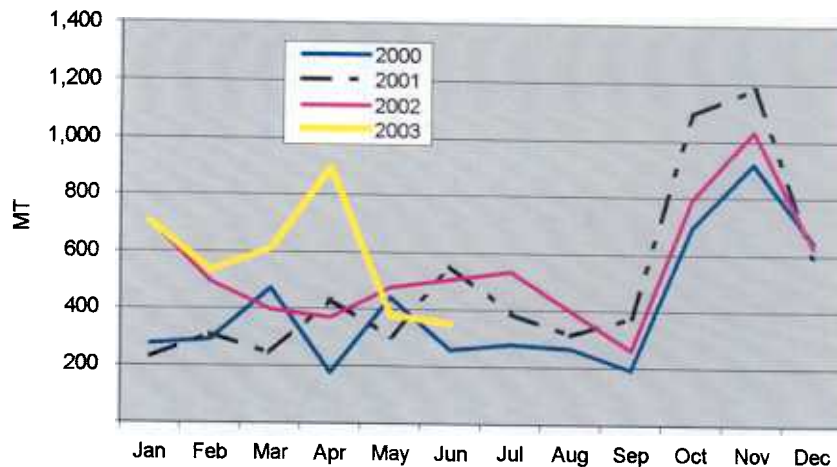
	2002 (JAN-JUN)	2003 (JAN-JUN)
TURKEY	99.0%	99.3%
ITALY	0.7%	0.6%
GERMANY	0.0%	0.0%

**Total Imported**

Metric Tons	2,953	3,482
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**Marketing Order Period**

All Year

**Kiwifruit****Port of Entry**

	2002 (JAN-JUN)	2003 (JAN-JUN)
PHILADELPHIA, PA	56.7%	45.5%
LOS ANGELES, CA	31.4%	37.8%
WILMINGTON, DE	4.7%	10.6%
NEWARK, NJ	5.8%	3.1%

**Country of Origin**

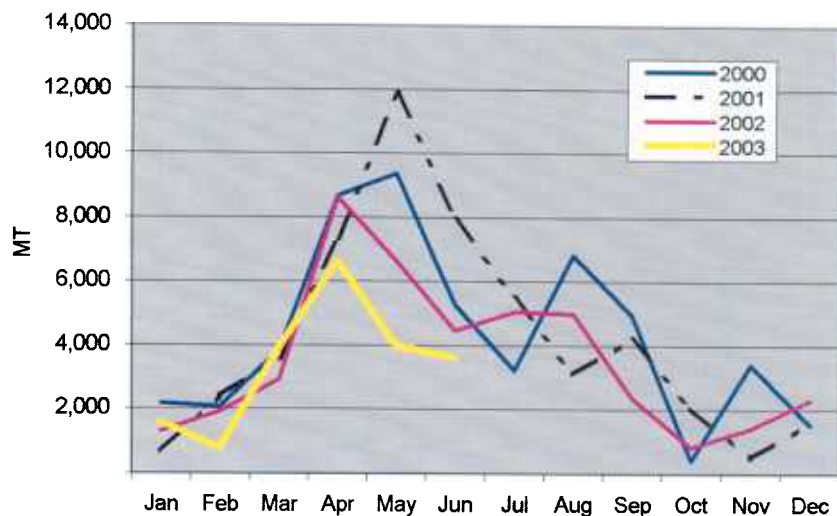
	2002 (JAN-JUN)	2003 (JAN-JUN)
CHILE	68.5%	77.5%
NEW ZEALAND	8.7%	11.4%
ITALY	20.4%	8.3%
		97.2%

**Total Imported**

Metric Tons	25,925	20,636
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**Marketing Order Period**

All Year

**Olives****Port of Entry**

	2002 (JAN-JUN)	2003 (JAN-JUN)
BALTIMORE, MD	19.8%	22.2%
NEWARK, NJ	22.1%	20.0%
HOUSTON, TX	11.5%	12.7%
LOS ANGELES, CA	9.4%	8.4%

**Country of Origin**

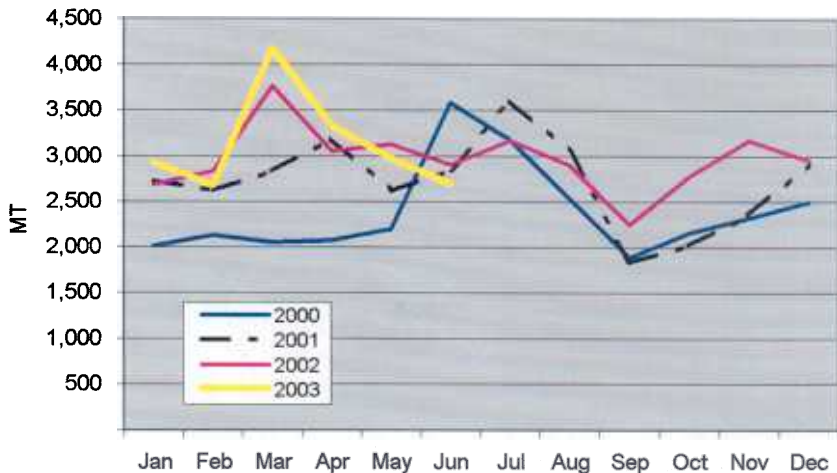
	2002 (JAN-JUN)	2003 (JAN-JUN)
SPAIN	66.7%	64.7%
MOROCCO	30.4%	28.3%
EGYPT	0.0%	1.9%

**Total Imported**

Metric Tons	18,379	18,797
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**Marketing Order Period**

All Year



**Onions\***

\*Onion import data includes green onion volumes (non-8e) due to use of same tariff Code

**Port of Entry**

	2002	2003
	(JAN-JUN)	(JAN-JUN)
HIDALGO, TX	38.9%	45.1%
CALEXICO (EAST), CA	22.1%	19.5%
SAN LUIS, AZ	9.1%	7.3%
EL PASO, TX	3.7%	4.6%

**Country of Origin**

	2002	2003
	(JAN-JUN)	(JAN-JUN)
MEXICO	80.2%	83.2%
CANADA	11.9%	8.5%
CHILE	3.0%	4.4%
	95.0%	96.1%

**Total Imported**

Metric Tons	145,736	162,055
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**Marketing Order Period**

All Year

**Oranges****Port of Entry**

	2002	2003
	(JAN-JUN)	(JAN-JUN)
NOGALES, AZ	65.9%	46.8%
FORT PIERCE, FL	12.0%	17.4%
PHILADELPHIA, PA	1.6%	14.0%
NEWARK, NJ	3.4%	6.0%
	82.9%	

**Country of Origin**

	2002	2003
	(JAN-JUN)	(JAN-JUN)
MEXICO	79.3%	48.5%
BAHAMAS	12.0%	19.7%
SOUTH AFRICA	0.0%	14.0%
	91.3%	

**Total Imported**

Metric Tons	21,724	11,478
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**Marketing Order Period**

Sep 1 - Jun 30

**Potatoes****Port of Entry**

	2002	2003
	(JAN-JUN)	(JAN-JUN)
HOULTON, ME	29.1%	30.6%
CALAIS, ME	8.6%	16.4%
BUFFALO-NIAGARA FALLS, NY	16.6%	15.1%
SAN JUAN, PR	10.4%	11.1%
		73.2%

**Country of Origin**

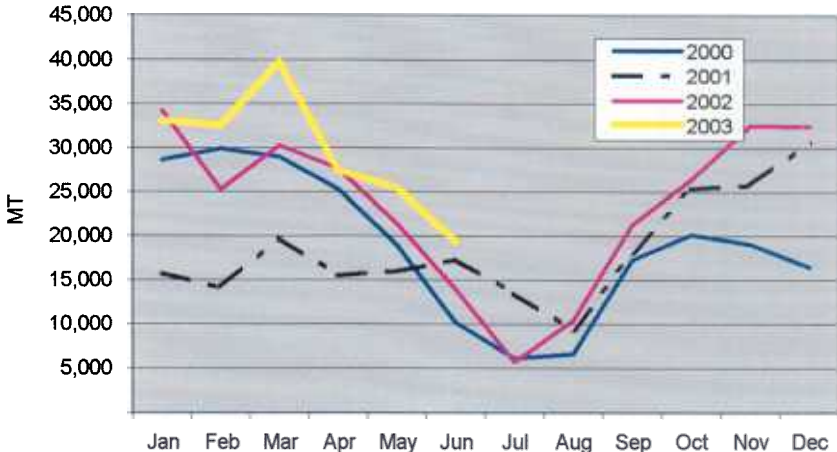
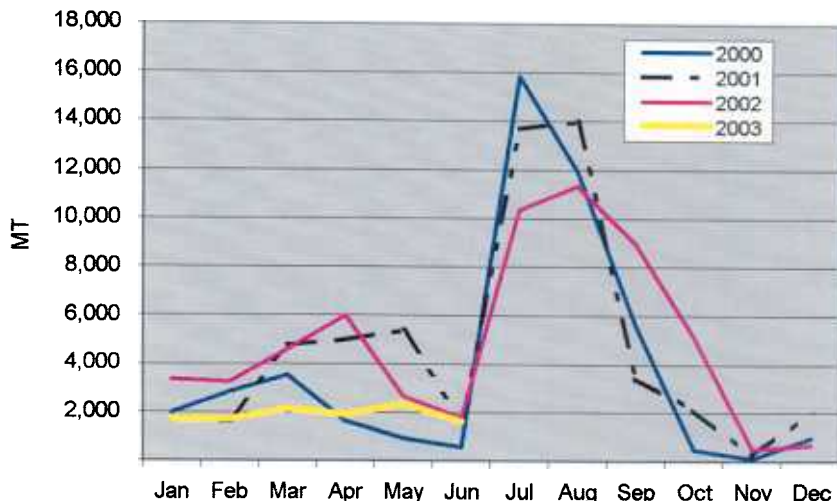
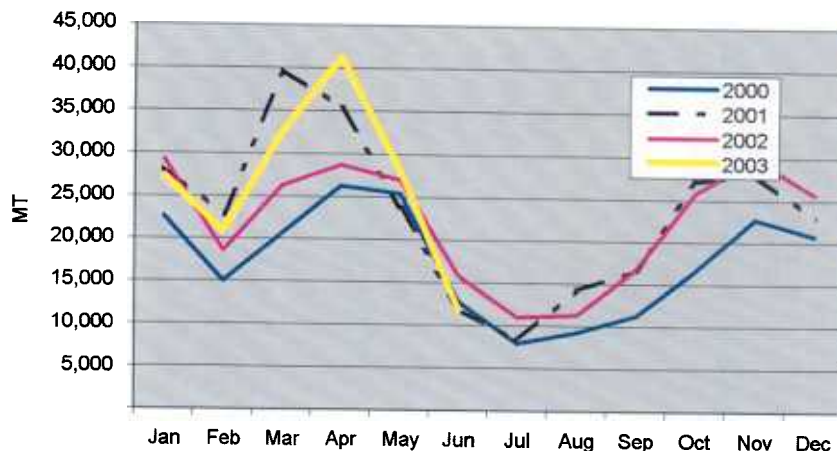
	2002	2003
	(JAN-JUN)	(JAN-JUN)
CANADA	99.96%	99.99%
JAPAN	0.017%	0.005%
DOMINICAN REPUBLIC	0.000%	0.000%

**Total Imported**

Metric Tons	152,940	177,944
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**Marketing Order Period**

All Year





**Prunes****Port of Entry**

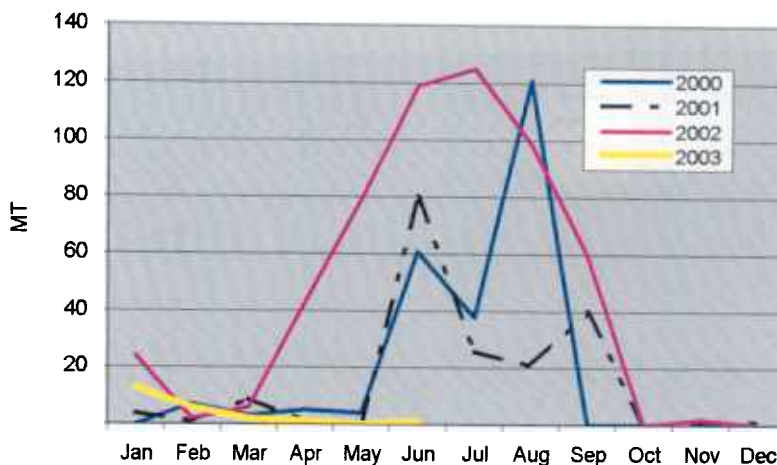
	2002	2003
	(JAN-JUN)	(JAN-JUN)
LOS ANGELES, CA	12.5%	87.4%
NEWARK, NJ	1.6%	8.4%
BOSTON, MA	0.1%	2.1%
JFK AIRPORT, NY	0.0%	1.0%
	14.2%	98.8%

**Country of Origin**

	2002	2003
	(JAN-JUN)	(JAN-JUN)
IRAN	17.9%	74.2%
TAIWAN	0.3%	11.7%
GERMANY	0.0%	7.4%
	18.3%	93.3%

**Total Imported**

Metric Tons	154	23
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**Marketing Order Period**

All Year

**Raisins****Port of Entry**

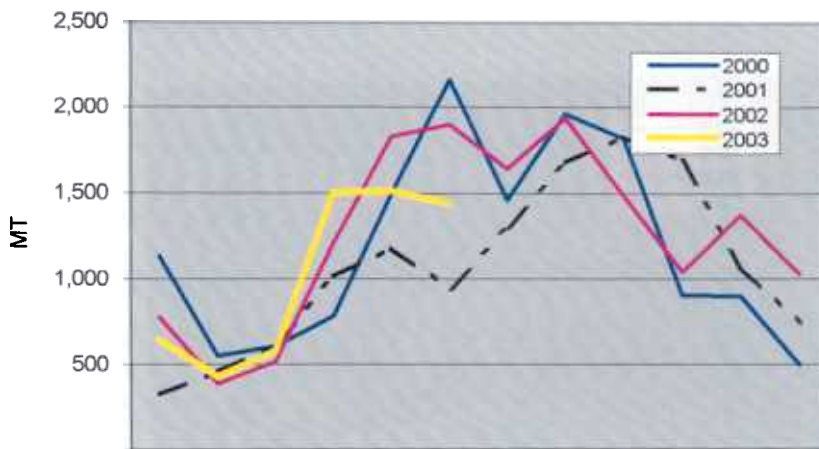
	2002	2003
	(JAN-JUN)	(JAN-JUN)
NEWARK, NJ	40.8%	33.0%
NOGALES, AZ	28.1%	20.4%
SAN FRANCISCO, CA	22.1%	15.4%
NEW YORK, NY	2.0%	11.1%
	92.9%	79.9%

**Country of Origin**

	2002	2003
	(JAN-JUN)	(JAN-JUN)
CHILE	27.4%	58.0%
MEXICO	28.1%	20.4%
SOUTH AFRICA	17.2%	14.2%
	72.8%	92.7%

**Total Imported**

Metric Tons	4,730	4,676
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**Marketing Order Period**

All Year

**Table Grapes****Port of Entry**

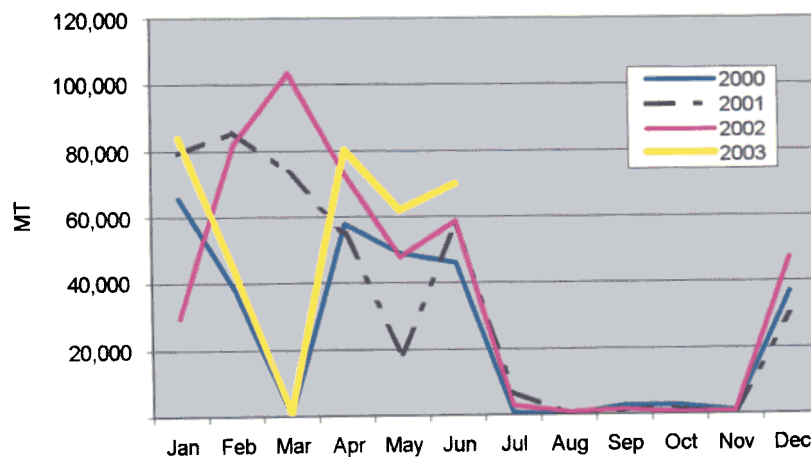
	2002	2003
	(JAN-JUN)	(JAN-JUN)
NOGALES, AZ	2.2%	45.0%
PHILADELPHIA, PA	54.1%	26.1%
WILMINGTON, DE	28.2%	15.1%
LOS ANGELES, CA	13.8%	11.1%
	98.3%	97.2%

**Country of Origin**

	2002	2003
	(JAN-JUN)	(JAN-JUN)
CHILE	95.1%	52.8%
MEXICO	2.2%	46.6%
SOUTH AFRICA	0.1%	0.3%
	97.4%	99.8%

**Total Imported**

Metric Tons	395,214	341,180
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**Marketing Order Period**

Apr 20 - Aug 15

USDA Agricultural Marketing Service  
Fruit and Vegetable Programs  
Marketing Order Administration Branch

